

**INTERSTATE COMPACT  
ON  
JUVENILES  
GUIDEBOOK**

# INTERSTATE COMPACT ON JUVENILES

## TABLE OF CONTENTS

Section I		
Basic Purposes		Page 1
Section II		
Declaration of Policy		Page 1
Section III		
Organizational Structure		Page 2
Section IV		
Definition of Terms		Page 2
Section V		
Basic Responsibilities of Sending and Receiving States		Page 3
Section VI		
Procedure for Transporting Youth on Parole To and From Another State		Page 4 Page 5
Section VII		
Process For Returning Runaways Absconders, and Escapees		Page 5 Page 6
Section VIII		
Additional Information		Page 6 Page 7
Section IX		
Forms Needed Forms		Page 8 Page 9
Section X	Forms	

## SECTION I

### Basic Purposes

The Interstate Compact on Juveniles (ICJ) is the sole statutory authority for regulating the transfer of juvenile probation and parole supervision across state boundaries. The ICJ has five primary purposes:

- to ensure that adjudicated delinquent juveniles are provided adequate supervision and services in the state as ordered by the adjudicating judge or parole authority in the sending state,
- to ensure that the receiving community is protected,
- to return non-adjudicated runaway youth, absconders, and escapees to their home states, -
- to return juveniles charged as being delinquent to a demanding state other than their home state where they are alleged to have committed a delinquent act, and
- to make contracts for cooperative Institutionalization in member states for delinquents needing special services. Community protection has been facilitated by the regulation of client interstate travel, the monitoring of offender adjustment in the receiving state, and the removal of the probationer or parolee from the receiving state's community upon violation. Reintegration of the offender and rehabilitative efforts have been historically assisted by ensuring probation and parole program continuity across state boundaries.

## SECTION II

### Declaration of Policy (Nebr. State Statute 43-1001)

It is hereby found and declared: (1) That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others; and (2) that the cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state.

It shall therefore be the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate with other states (a) in returning juveniles to such other states whenever their return is sought; and (b) in accepting the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles.

## SECTION III

### Organizational Structure

The Interstate Compact on Juveniles in Nebraska is administered by two state agencies (1) Probation Administration; (2) Department of Health and Human Services, Office of Juvenile Services.

Probation Administration is an agency under the jurisdiction of Nebraska's Supreme Court. Probation Administration directs all compact activities for adjudicated delinquent youth on probation.

Health and Human Services, Office of Juvenile Services (OJS), is an agency under the executive branch of government which directs all compact activities for adjudicated delinquent youth on parole.

## SECTION IV

Definitions for a basic understanding of the Interstate Compact on Juveniles (ICJ) include;

- (1) Absconder - A person who hides, conceals, or absents himself/herself with the intent to avoid legal process or authorized control.
- (2) Compact Administrator - A person designated by statute or appointment by the Governor, who is responsible for coordinating his/her state's compact operations.
- (3) Cooperative Supervision - The delivery of services given by a receiving state and in turn reported quarterly, or as needed to the sending state.
- (4) Escapee - A juvenile who has made an unauthorized flight from a facility to which he/she has been committed by a court.
- (5) Parolee - A person who is conditionally released from an institutional setting, training school, or correctional type facility authorized under the laws of the party hereto, or is a delinquent ward on conditional release.
- (6) Probationer - A person who is placed on supervision by a court which allows the offender to remain in the community under the supervision of a court designated person or agency.
- (7) Runaway - A child under the juvenile jurisdictional age limit established by the state, who has run away from his/her home state, without the consent of the parent, guardian, or the person or agency entitled to his/her legal custody or supervision.
- (8) Sending State - The state with court jurisdiction which has sent a juvenile to another state for supervision under the provisions of the Interstate Compact on Juveniles.
- (9) Receiving State - The state in which a juvenile is placed for supervision under the provision of the interstate Compact on Juveniles.

## SECTION V

### Basic Responsibilities of Sending and Receiving States for Youth on Parole Responsibilities:

- Sending state retains legal responsibility for those youth on parole residing in another state;

\* Note - the individual's status as a juvenile depends on the law in the sending state NOT the receiving state.

- Sending state has the responsibility to give the receiving state advance notice/information about the youth wishing to relocate in the receiving state.

\*Note - there is emergency transfer when advance notice is not possible.

- Sending state has the responsibility of advising the receiving state, in advance, of placement, of the delinquency history, of the serious offender (sexual perpetrator, aggressive/assaultive behavior);
- Sending state has the responsibility of returning a parolee to the sending state at the request of the receiving state;
- Sending state has the responsibility to administratively discharge the youth, upon completion of a successful parole, at the request of the receiving state;
- Receiving state has the responsibility of completing a home study in a timely manner (30 days from receipt) for purposes of approval/disapproval of a sending state's request for transfer of a youth;
- Acceptance or denial is decided by the Compact Administrator or designee, not by the local conducting the home study.

\* Note A case cannot be rejected when:

- A. The placement is with custodial parent/guardian
- B. The youth is over 17
- C. On the basis the offense is not considered delinquent conduct in the receiving state

- Receiving state promises the same level of supervision/services to the youth from another state that they would their own;
- Receiving state forwards progress reports to the sending state every 90 days. Also advising the sending state of any juvenile violations of parole including absconding placement;
- Receiving state recommends discharge. Termination/discharge must be approved by the sending state only.

## SECTION VI

### Specific Procedures for Transporting Youth on Parole To and From Another State

#### Parole.

1. All requests for cooperative supervision must be submitted to the ICJ Office in triplicate. A referral consists of:
  - (a) a cover letter explaining the nature of the request and youth's summary of adjustment;
  - (b) ICJ forms IV, IA/VI, V, travel permit;
  - (c) treatment plans;
  - (d) social history or pre-disposition report;
  - (e) school records;
  - (f) medical records;
  - (g) commitment order;
  - (h) order of adjudication;
  - (i) updated psychological report;
2. All requests for cooperative supervision will be submitted to the ICJ Office at least six weeks prior to projected release date. This allows the receiving state adequate time to complete a home investigation. The home investigation should be completed in 21 days with a recommendation sent to the ICJ Office.
3. Upon acceptance, the sending institutional or field staff makes appropriate notifications. The sending staff coordinates the necessary travel arrangements.
4. The institutional placement coordinator or juvenile service officer sends the discharge packets, in triplicate, to the ICJ Office at least seven days prior to youth being sent to the other state. The arrival packet consists of:
  - (a) ICJ form V and travel permit;
  - (b) school transcripts and releases or GED;
  - (c) progress summary;
  - (d) parole objectives/conditions;
5. When notified by the receiving state that a youth's placement is not working, the ICJ Office works closely with the juvenile service officer in:
  - (a) returning the youth;
  - (b) maintaining the youth's placement; or
  - (c) exploring alternatives available in the receiving state.
6. When felony charges are pending in the receiving state and the juvenile service officer requests the youth's return, an adjudication order or fact finding hearing is required. When adjudication is required in the receiving state, the disposition must read, "Return to \_\_\_\_\_". Disposition/jurisdiction of an order cannot be transferred from state to state.

7. When notified by the receiving state that a youth has absconded, the ICJ Office immediately notifies the home juvenile service officer.
  - (a) The home juvenile service officer:
    - (i) issues a Directive/order to apprehend;
    - (ii) ensures that the pick up order is entered on the National Crime Information Center (NCIC); and
    - (iii) forwards a copy to the ICJ Office;
  - (b) The ICJ Office closes the interstate compact case file on the youth and advises the receiving state to close the case. The receiving state cannot supervise a youth if his/her whereabouts are unknown. The case can be reopened if the youth is located and returned to the placement.

## SECTION VII

### Required Process for Returning Runaways, Absconders and Escapees

In the event a runaway, absconder, or escapee from another state is apprehended In Nebraska, the following procedure is followed In returning the youth to the originating state.

1. The juvenile shall be taken into custody, and taken before a judge who has juvenile jurisdiction, who shall advise the juvenile of his/her rights. The judge may appoint counsel or a guardian ad litem. The juvenile shall be asked to sign a consent to return (ICH Form 111). Upon the juvenile's signing, the judge must also sign. The judge then orders the juvenile to return to his/her home state with or without escort, in keeping with the home state's return procedures. No juvenile charged with a capital or life felony or who is considered dangerous to himself and/or others shall be returned unescorted (i.e., murder, felony, rape).
2. The original signed Form III is filed with the court. One copy of Form III is given to the juvenile, and three copies are forwarded to the holding state's ICJ Office. One copy of Form III is retained in the holding state's ICJ Office, and two copies are forwarded to the home state or state of legal jurisdiction's ICJ Office. The home state or state of legal jurisdiction's ICJ Office retains one copy and forwards the final copy to the local office.
3. The state to which the juvenile is returned shall be responsible for the costs of and making transportation arrangements within five (5) working days of being notified by the holding state's ICJ Office that Form III has been signed.
4. The home state's ICJ Office will bear the costs of returning its non-delinquent and delinquent runaways when it is determined that the responsible party is financially unable to do so.
5. All pending charges in the holding state must be disposed of prior to a youth's return.
6. When the youth will not agree to return voluntarily, the requisition process is initiated. (See Article IV for non-delinquent juveniles and Article V for delinquent juveniles.)

Note: Article II of the Interstate Compact establishes "A informal procedure whereby the Interstate Compact does not need to be used for non-delinquent runaways.

- It only applies to non-delinquent runaways
- It is only appropriate within the first 24 hour period
- It is only appropriate prior to any formal court procedure

For example, the mother drives over the state border to pick up her daughter within the first 23 hours; or, the police work through the runaway switchboard and the parents to place the juvenile on a bus through the Home Free Program.

On returning Nebraska Youth (Runaways, Absconders, or Escapees from other states, Juvenile Service Officers shall contact the ICJ Deputy Compact Administrator to initiate communication and the local process with the holding state.

## SECTION VIII

### Additional Information for Juvenile Service Officers Concerning the Interstate Compact

#### Detention-Policy and Procedures

1. Persons over the age of 17 being held solely on a juvenile warrant must be detained in a juvenile detention facility.
2. Status offenders who are picked up on a missing person must be held in a secure facility while awaiting return to the home state. These youth must be returned to the home state within five (5) working days.
3. A holding state shall not be reimbursed for detaining youth under the provisions of the ICJ. The expeditious return through the ICJ process will minimize the holding state's detention costs. Therefore, the party states/jurisdictions are not charged or billed for detention costs, and do not bill other local governments or states for costs related to detaining their juveniles.
4. Juvenile detention facilities that contract with other counties should strive to assist those counties with youth being detained under the provisions of the ICJ, (i.e., taking youth before the juvenile judge in that county for the Form III, taking youth to airport, etc).
5. Youth under ICJ supervision cannot be held as a safekeeper(s) at the Nebraska YRTC's.

#### Transportation - Airlines

1. Working through your ICJ Office prearrange airport surveillance if necessary, i.e, flight from Lincoln to Los Angeles. At least 24 hours ahead of time airport surveillance would be arranged with Denver, CO to insure the youth continues on to his destination.
2. Remove any handcuffs or restraints prior to entering the airport.
3. Juveniles who require medication shall not be returned without sufficient medication. All medication shall be given to the flight attendant who should be instructed to turn meds over to adult meeting youth at the final destination.
4. Notify your interstate compact office in the case of a change of travel arrangements, escape, or other incident or emergency involving a juvenile. No changes in arrangements should be made without prior approval from the ICJ office.



5. Never place an assaultive, potentially violent youth on an aircraft Nor should youth threatening escape while in detention be returned to the requested state, unescorted.

Travel Permit:

1. Travel permits to other states will not be Issued for longer than 30 days. Extension of the 30 days can be made with the approval of the receiving state.

## **SECTION IX**

### **FORMS NEEDED**

To assure uniform handling of Compact cases, the Association of Compact Administrators has developed standard forms to be used routinely in implementing Compact services. Each Compact form has a legend indicating the number of copies required and their disposition. Sample forms are included at the end of this section. All forms are to be routed through the Compact office.

### **FORMS INVOLVING TRANSFER OF SUPERVISION - ARTICLE VII**

#### **Form IA - Application for Compact Services**

This form is signed by the juvenile and his/her parent or legal guardian and witnessed by the counselor before the juvenile moves to another jurisdiction. However, if the juvenile has moved before signing the counselor completes it as far as possible and send it to the Compact Office for signatures.

#### **Form VI - Memorandum of Understanding and Waiver**

This form is signed by the juvenile and his/her parent or guardian and witnessed by the counselor before the juvenile moves to another jurisdiction. However, if the juvenile has moved before the signatures can be obtained, the form should be forwarded to the Compact Office for the signatures. For probation cases, a judge's signature is needed; in parole cases the appropriate administrator.

#### **Form IV -Placement Investigation and Supervision Request**

This form is the official request for an investigation of the home situation and transfer of supervision. The form is directed to the Compact Office. \*Special Case Report - completed by the parole officer after he completes his home investigation, and submitted to the Interstate Compact Office with a recommendation to deny or approve placement. This form is forwarded to the requesting state in reply to their Placement Investigation and Supervision Request.

#### **Form V -Report of Sending State upon Parolee or Probationer Being Sent to Another State**

This form is the official notification of the placement date, time of arrival, mode of transportation and destination of a juvenile being sent from the sending state. It is usually sent after the receiving state has completed an investigation and agreed to accept supervision.

## **FORMS INVOLVING RUNAWAYS, ESCAPEES, ABSCONDERS**

### **Form A -Petition for Requisition to Return Runaway Juvenile Article IV**

This form is used to petition the court exercising juvenile jurisdiction to issue a requisition for the return from another state of a child who is not delinquent. The form is signed by the parent, legal custodian or agency entitled to custody of the child and must be notarized. It must be accompanied by documentation of the petitioner's legal right to custody. The documentation may be in the form of a birth certificate, custody order or other document acceptable to the court as proof of custody.

### **Form I - Requisition for Runaway Juvenile - Article IV**

This form (two sides) is signed by a judge exercising juvenile jurisdiction and is directed to the appropriate authority in the asylum state. It should be authenticated by the court seal.

### **Form II - Requisition for Escapee or Absconder; or Juvenile Charged with Being a Delinquent (Rendition Amendment) - Article V**

This form (two sides) is used to request the return of a juvenile who is on probation, parole, is committed or is charged with being a delinquent. The form must be accompanied by two certified copies of the court order or petition.

### **Form III - Consent for Voluntary Return by Runaway, Escapee, or Absconder - Article VI**

This form is signed by the juvenile who has run away, escaped or absconded and is willing to return voluntarily to his/her home state. It is signed in the presence of a judge.

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# ***FORMS SECTION***